

FINALIZING LEGAL SEPARATION BY DEFAULT IN EX PARTE

King County Family Law Facilitators: Instruction # L-4
Revised Code of Washington 26.09
King County Local Rules

If your spouse/partner was properly served, and he or she did not appear at any hearings or file any documents in your case (such as Response or Notice of Appearance) by the response deadline (20 days if by personal service in the State of Washington, 60 days if by personal service outside the State of Washington or by publication, 90 days if by mail) you may be able to finalize your Legal Separation by Default in the Ex Parte Department.

STEP 1: OBTAIN AND COMPLETE THE FOLLOWING FORMS

- [Motion and Declaration for Default, WPF DRPSCU 03.0100](#)
- [Order of Default, WPF DRPSCU 03.0200](#)
- [Findings of Fact/Conclusions of Law, WPF DR 04.0300 \(Marriage\) or WPF DR 04.0305 \(Registered Domestic Partnership\)](#)
- [Decree of Legal Separation, WPF DR 04.0400 \(Marriage\) or WPF DR 04.405 \(Registered Domestic Partnership\)](#)
- [Note for Motion Docket, Kent](#) or [Seattle](#) (see Step 2)

If the case involves minor children, you will also need:

- [Final Parenting Plan, WPF DR 01.0400](#)
- [Order of Child Support*, WPF DR 01.05008](#)
- [Child Support Worksheets,* WSCSS – Worksheets \(Marriage\) or WSCSS – Worksheets RDP \(Registered Domestic Partnership\)](#)

These instructions do not include a list of forms needed to start a Legal Separation action. Ask a Facilitator for the appropriate Instruction.

STEP 2: CHOOSE A COURT DATE TO FINALIZE YOUR LEGAL SEPARATION

Choose a court date by filling out the *Note for Motion Docket* as follows:

- Fill in the caption and case number at the top.
- Write in the Calendar Date and Day of the Week for the hearing date you select. You must choose a date that is at least 14 calendar days from the day you file this form with the clerk (and that also meets the waiting period requirement indicated

- above). You may choose any weekday that is not a court holiday.
- After “Nature of Motion”, write “Legal Separation by default.”
 - In the box labeled “Ex Parte”, check the following boxes: “Family Law Final Decree” and “No Attorney”. The hearing time will be 1:30 p.m.
 - Complete the box that asks for your signature, name, and address. Fill out the second page with the other parties’ information.

File this form with the Clerk’s office.

If the case involves minor children, and if any of the children have ever been on public assistance, you must contact the King County Prosecuting Attorney’s Family Support Section as early in your case as possible, and deliver copies of the documents listed in Step 1 above.

In a marriage, if the wife is now pregnant, the husband is the presumed father. This presumption can be challenged up to 4 years after the birth of the child or as otherwise provided in RCW 26.26.500-.625. You should consult with an attorney regarding the requirements for legally establishing the parentage of a child if husband or wife believes the husband is not the father.

STEP 3: TALK TO AN ATTORNEY, IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators’ office for a Legal Resource List or the King County Bar Association for information about resources for low income people. Even if you do not hire a lawyer to represent you throughout the proceeding, a lawyer can look over your paperwork, give you advice on how to present your evidence, and tell you whether this type of action is right for you.

STEP 4: ATTEND MANDATORY CLASSES

Attend the Family Law Orientation (FLO). King County Local Rules require you to attend the Family Law Orientation, if you are not represented by an attorney. The orientation provides information on court processes, court rules, and resources that may help you with your case. All unrepresented parties to Family Law actions must attend this orientation within 30 days of filing or receipt of service.

Attend the *What About the Children Seminar*. If your case involves minor children, King County Local Rules require each party to attend a parenting seminar within 60 days of service of the Petition and prior to the entry of final order in this legal action.

There is a fee to attend these classes and you must register ahead of time. Registration information is available in the Family Law Facilitator's Office or Family Court Services.

STEP 5: FINALIZE YOUR LEGAL SEPARATION

Go to the Ex Parte Department on the day of your hearing. Your hearing will be at 1:30 p.m.

Bring the completed originals of the following documents:

- Motion and Declaration for Default
- Order of Default
- Findings of Fact/Conclusions of Law (Marriage or Registered Domestic Partnership)
- Decree of Legal Separation (Marriage or Registered Domestic Partnership)

If the case involves minor children, you will also need to bring:

- Final Parenting Plan
- Order of Child Support*
- Child Support Worksheets* (Marriage or Registered Domestic Partnership)

****Even if you and your spouse/partner are requesting no child support, you must still complete the Worksheets and an Order of Child Support, according to Washington State law (RCW 26.19.035).***

Also bring your copies of all of your legal separation documents, including your copy of the Return of Service form.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your case before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court). If you need a lawyer, contact the Family Law Facilitators' for a *Legal Resource List* or call the King County Bar Association.